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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,325	03/24/2004	Keith Friedman	0010401	4018
42329	7590	05/12/2006	EXAMINER	
MARK RODGERS 1590 SAN ROQUE ROAD SANTA BARBARA, CA 93105			ABRAHAM, TANIA	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/807,325	FRIEDMAN ET AL.	
	Examiner	Art Unit	
	Tania Abraham	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 8 and 11 are objected to because of the following informalities: A deletion is necessary in line 4 of both claims, which recites, "power adjustment of the seat for the seat". Considering the recitation in claim 1, the phrase "for the seat" should be deleted. Appropriate correction is required.
2. Claim 10 is objected to because of the following informalities: This claim mistakenly recites, "The seat of claim 10". It will be viewed as being dependent on claim 9. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bayley [US 6182783 B1]. Bayley (fig. 1-3) discloses a power adjustable vehicle seat 18 with a pre-tensioned seatbelt 30 connected to an electronic control unit 28 (hereafter referred to as ECU), which in turn is connected to a rollover sensor 68 and a seatbelt sensor 40. The power adjustable device 26 of the seat is motor-driven and affects the height of the seat. In the event that the rollover sensor signals a possible rollover, the ECU determines if the vehicle is in a true rollover condition. In an actual rollover, the

Art Unit: 3636

ECU activates a seatbelt pretension device 38 to tighten the seatbelt and activates the power adjuster to lower the seat to its lowest level.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayley in view of Andersson [US 6076887] and Yokota et al [US 6574540 B2]. Bayley disclosed structure previously detailed with the exception of having bags (or similar structure) disposed within the interior of the backrest and/or the seat, whose volume is adjustable and so affects the depth of the seat. Andersson (fig. 6-8) teaches having a compressible element 44,45 inside the backrest and seat that is compressed in response to the rollover sensor signaling that the vehicle is experiencing a rollover.

Art Unit: 3636

Bayley's system lowers the seat to move the occupants' head away from the roof of the vehicle, in response to a rollover sensor. Andersson teaches that compression of the backrest and seat, in cooperation with the tightening of a pre-tensioned seatbelt draws the occupant further into the seat and moves the occupants' head away from the roof of the vehicle, in response to a rollover sensor. In light of Andersson's teaching, it would have been evident to a person skilled in the art at the time of invention to modify Bayley's system in order to protect an occupants' head during a vehicle rollover.

8. Regarding claim 7, Bayley does not disclose a weight or size sensor, but Yokota et al (fig. 1-15) teaches having a weight sensor 81 that signals the ECU 11. The ECU processes the signal to determine the restraining amount to be outputted to the seatbelt 40. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Bayley's system to include a weight sensor according to the teaching of Yokota et al in order to provide the safest response by the ECU.

9. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayley in view of Andersson. Bayley discloses structure previously noted with the exception of a reclineable of the backrest triggered by the rollover sensor. Andersson (fig. 3-5) discloses a seat having a conventional recliner. Andersson teaches to recline the backrest, using a piston with a pyrotechnic charge that is activated by the rollover sensor, to move the occupants' head away from the roof of the vehicle during a rollover. So it would have been obvious to a person skilled in the art at the time of invention to adapt Bayley's system consistent with Andersson's teaching in order to protect an occupants' head during a vehicle rollover.

Art Unit: 3636

Allowable Subject Matter

10. Claims 3 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania Abraham whose telephone number is 571-272-2635. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TA


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